

1 Q. All right. What does the expression to you  
2 to have your back mean? That was something you said  
3 early on.

4 A. Well, I mean if they investigate you and  
5 find you're not guilty or whatever, and that's what we  
6 went through, and then we're coming back to it again.

7 Q. Well, you know, they have sworn testimony  
8 from Ron West and he took a polygraph and passed it.  
9 Were you offered a polygraph?

10 MR. O'QUINN: Jeremy O'Quinn. Object to  
11 the form. Go ahead and answer.

12 MR. BELL: Cameron Bell. I object to the  
13 form.

14 MS. WALLACE: Form.

15 A. Yes.

16 BY MR. KRUDYS:

17 Q. Okay. So Ron West passed the polygraph but  
18 you declined to take the polygraph; is that right?

19 MR. O'QUINN: Jeremy O'Quinn. Object to  
20 the form. Go ahead and answer.

21 MR. BELL: Cameron Bell. Same objection.

22 A. My lawyer advised me not to.

23 MR. O'QUINN: And I'll move to strike that  
24 answer as privileged.

25

1 BY MR. KRUDYS:

2 Q. They gave you an opportunity to kind of  
3 clear your name and you declined, right?

4 MS. WALLACE: Form.

5 MR. O'QUINN: Jeremy O'Quinn objects to the  
6 form.

7 MR. BELL: Cameron Bell. Same objection.

8 MR. O'QUINN: Go ahead and answer.

9 A. I mean I have nothing to clear my name. I  
10 told you everything I knew. Or everything that  
11 happened.

12 BY MR. KRUDYS:

13 Q. Yeah. And then they asked you to take a  
14 polygraph just like Mr. West had done and you declined.  
15 Right?

16 MR. O'QUINN: Object.

17 MS. WALLACE: Form.

18 MR. O'QUINN: Asked and answered. Go ahead  
19 and answer.

20 MR. BELL: Cameron Bell. Same objection.

21 A. I mean yeah. They asked me to take one.

22 BY MR. KRUDYS:

23 Q. All right. And you understand that they  
24 also asked Kelly, Plummer, Jackson, Montgomery to take  
25 the same polygraph, right?

1 form. Go ahead and answer.

2 A. Like if Opie steals some candy or  
3 something, you know, you'd say, hey, this is not what  
4 we're supposed to do.

5 BY MR. KRUDYS:

6 Q. All right. So these are very basic tasks,  
7 correct?

8 A. Yeah.

9 Q. All right. And you know some individuals  
10 had referred to Mr. Givens as having a, I believe it's  
11 third, fourth, fifth, or fourth, five -- fifth, sixth  
12 year old intellectual capacity. What was he like to  
13 you? Was he a kindergartner to you?

14 MS. WALLACE: Form.

15 MR. O'QUINN: Jeremy O'Quinn objects to the  
16 form. Go ahead and answer.

17 MR. BELL: Cameron Bell. Object to the  
18 form.

19 A. I mean he could do the basic stuff. I mean  
20 he could do more than kindergarten.

21 BY MR. KRUDYS:

22 Q. All right. Do you have -- have you ever  
23 had any children yourself?

24 A. Excuse me?

25 Q. Have you ever had any children yourself?

1 Q. And did you personally see it?

2 A. Yes.

3 Q. And you went into his cell and saw it?

4 A. I looked through the door and seen it.

5 Q. Did you enter his cell?

6 A. To get him up, yes.

7 Q. Okay. So you did go enter his cell to get  
8 him up?

9 A. Yes.

10 Q. All right. Why was it necessary to enter  
11 his cell to get him up? Why didn't you just say: Come  
12 on with me, Mr. Givens?

13 A. He'll never get up. I mean you can watch a  
14 hundred videos. I'll guarantee you every time we had to  
15 go in, get him up. You have to talk him into getting  
16 up.

17 Q. I see. So how long did it take to talk to  
18 him in order to get him up?

19 A. I mean I didn't time it. It took awhile.

20 Q. All right. So what's awhile?

21 A. I would say ten minutes or more.

22 Q. All right. So for ten minutes you and the  
23 other correctional officers are standing there saying:  
24 Mr. Givens, get up. Let's get up.

25 Is that right?

1 going on. He was just looking at me.

2 Q. He was looking at you?

3 A. Yeah.

4 Q. Was he making eye contact with you?

5 A. Yes.

6 Q. All right. Was he moving?

7 A. I think he was moving his head or  
8 something. I mean....

9 Q. So your testimony is at 9:26:22 Mr. Givens  
10 is still alive, right?

11 A. Yes.

12 Q. All right. And is it -- is the tray slot  
13 open? I know it's kind of hard to see but --

14 A. No.

15 Q. All right. So you're -- do you have the  
16 ability to open the tray slot?

17 A. Yeah.

18 Q. All right. And why didn't you open the  
19 tray slot if you're trying to communicate with him?

20 MR. O'QUINN: Objection, form. Go ahead.

21 A. Why would I do it?

22 BY MR. KRUDYS:

23 Q. So he can hear you.

24 A. He can hear through the doors.

25 Q. All right. This is a solid metal door with

1           A.     Because I got to pull rec, I get to pull  
2 chow.

3           Q.     And you've got to pull rec and pull chow  
4 when you're getting Mr. Givens to get up in the morning.  
5 I mean to go to the shower itself, correct?

6           A.     Yeah. After showers.

7           Q.     He -- he's slowing your schedule down,  
8 correct?

9           A.     Right. We got a 24-hour clock we got to go  
10 by.

11          Q.     All right. So when you say that you always  
12 have to help him put his underwear on, can you describe  
13 how you actually would help him physically do that?

14          A.     Most time he would hold his legs up. I put  
15 his legs through the holes and then he'd stand up and  
16 pull them up.

17          Q.     All right. And so -- and the reason you're  
18 doing that is because he would just be too slow if he  
19 had to do it himself; is that right?

20          A.     Yes.

21          Q.     All right. If he has difficulty and he's  
22 slow putting on his boxer shorts, is he also slow in  
23 putting on pants, T-shirt, jumper?

24                 MR. O'QUINN: Jeremy O'Quinn. Object to  
25 the form. Go ahead and answer.